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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,891	01/30/2004	Brian Leary	770P011464-US (PAR)	7297

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PERMAN & GREEN
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FAIRFIELD, CT 06824

EXAMINER	
BASS, JON M	

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/768,891	LEARY ET AL.	
	Examiner	Art Unit	
	Jon Bass	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. ____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This is in response to the amendment filed on October 17, 2005 for patent letter filed on January 30, 2004. In the amendment, No Claims have been amended. Currently claims 1-16 are pending in this application.

Status of Claims

2. Claims 1-16 are pending in the application. Claims 1-16 have been examined.

Response to Amendment

3. Applicant's arguments filed on October 17, 2005 have been considered.

4. Applicant argues that the prior art by (Allport 4,831,554) fails to teach "printing postage indicia and address data on the item". The Examiner respectfully disagree with the applicants characterization of the prior art's inventive concept. However to further validate the rejection, the Examiner introduced a relevant reference by Robert Allport et al. (6,795,813), hereinafter referred to as Allport, in conjunction with Allport (4,831,554). Allport discloses

adding address information to an indicium printed by a closed system-metering device such as a franking machine or a postage-metering machine {abstract}. When combined with Allport's invention an invention is created that is capable of applying postage and address information to an item via a franking machine or postage metering device.

5. Below is an updated version of the Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3,5,10,11,14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Robert Allport et al. (6,795,813).

As Per Claim 1:

Allport discloses a system for franking system for printing mail item with shipping charges and address comprising, [{col.5, lines 9-10},postage meter device prints the indicium on the mail piece]:

franking meter constructed calculate and apply shipping charges indicium onto mail items or label, [{col.5, lines 1-10}, the postal data including address information is used to generate indicium and includes cryptographic evidencing of psotage payment and prints indicium];

user interface address data and entering security codes selecting addresses,[{col.6, lines 36-44}, elements of the address are used to generate a code to mail piece];

security device constructed verify authenticity of entered security codes, [{col.2, lines 16-26}, cryptographic transformation applied to selected data on mail pieces produces digital token];

digital printer capable of printing shipping charges indicium and address data on a mail item or label, [{col.5, lines 9-10}, prints the indicium on the mail piece];

communication interlink for accessing an external database containing accurate address data, [{col.5, lines 55-60},

includes a non-volatile memory and storage, and scanning address information];

a control processor for controlling the operation said postage meter, security device, printer, and communication interlink according algorithms stored in a memory, [{col.5, lines 55-56}, includes a processor];

memory operatively connected said control processor storing said algorithms, said algorithms adapted to provide least a shipping function, an address function, and accounting function, [{fig.2, 34}, non volatile memory];

and wherein said memory constructed store address data available for printing and accounting data said franking meter, [{col.5, lines 55-60}, includes a non-volatile memory and storage, and scanning address information]].

As Per Claim 2:

Allport discloses a system a franking system, wherein said address function includes communicating with an external database addresses and checking the accuracy of addresses selected for printing on a mail item, [{col.2, lines 29-31}, a verifier, with access to verifying (checking) corresponding to the accounting, validates the digital token].

As Per Claim 3:

Allport discloses a system a franking system said address data includes, destination routing, delivery, and tracking codes, [{col.6, lines 36-46}, elements of the address are used to generate a code specific to mail piece destination address such as postal code (zip-code) or include house number]].

As Per Claim 5:

Allport discloses a system claim said memory includes read-only memory modules for storing address data in process, [{col.5, lines 55-60}, includes a non-volatile memory and storage and address information].

As Per Claim 10:

Allport discloses a system A method of operating steps of: franking system comprising:

feeding a mail item to a printer, [{see figure 3, element 415}, print indicium on the envelope],

entering security codes into a postal security device, [{see figure 3 element 410}, generate indicium comprises cryptographic representation];

verifying the authenticity of said security codes, [{col.2, lines 30-32}, verifying key corresponding to account device validates digital code]]; said

security codes are authorized, selecting at least one address from an internal address database for application to said mail item, [{col.4, liens 60-63}, at verification the indicium is verified using the same verification process used for open system indicium];

verifying the accuracy of said selected address, [{col.4, liens 60-63}, at verification the indicium is verified using the same verification process used for open system indicium]; said

address accurate, calculating shipping charges and printing the mail item label with shipping charge indicium and address data, col.4, liens 60-63}, at verification the indicium is verified using the same verification process used for open system indicium]; said

address is inaccurate, correcting said address, entering said corrected address said internal database, calculating the shipping charges and printing the mail item or label with shipping charge indicium and address data, [{see figure 3, element 415}, print indicium on the envelope].

As Per Claim 11:

Allport discloses a method of operating a franking machine, according to claim wherein the step of verifying the accuracy of said selected address further comprises the steps of:

communicating with an external database of accurate addresses, [{co.4, lines 58-60}, the address information is then included in the information used to encode the indicium for postage evidencing]; and

comparing said selected address with data from said external database determine the accuracy of the selected address, [{col.4, lines 60-63}, at verification the indicium is verified using the same verification process used for open system indicium].

As Per Claim 14:

Allport discloses a method of operating a franking machine, according claim wherein said address printed accordance with predetermined shipping forms, [{col.4, lines 66-67 and col.5, lines 1-5}, the indicium to the mail piece by adding addressing information to an indicium printed by a postage metering device]

As Per Claim 16:

Allport discloses a method A franking system, according claim wherein said memory further stores commercial shipping

forms for use in printing said address on said mail item, [{col.5, lines 9-10}, prints the indicium on the mail piece].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4,6,7,8,9,12,13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert Allport et al. (6,795,813), hereinafter referenced as Allport in further view of Anthony Storace et al (4,831,554), hereinafter referenced as Storace.

As Per Claim 4:

Allport discloses a system operating a franking machine, wherein said address printed accordance.

But Allport does not explicitly disclose memory is constructed to store customer accounts.

However Storace discloses a system said memory is constructed to store customer accounts, [{col.4, line 30}, communication with banking facility].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that can store customers accounts information within the database which additionally verifies the products data and its origin.

As Per Claim 6:

Allport discloses a system operating a franking machine, wherein said address printed accordance.
But Allport does not explicitly disclose said communication link is a modem for connecting to an Internet server and said database of accurate address data is accessible by means of said Internet server.

However Storace discloses a system said communication link is a modem for connecting to an Internet server and said database of accurate address data is accessible by means of said Internet server, [{col.4, lines 20-24}, communication between station by way of MODEM].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a communication link and a modem for connecting to an Internet server which additionally verifies the products data and its origin, (see col.4, lines 20-24).

As Per Claim 7:

Allport discloses a system operating a franking machine, wherein said address printed accordance.
But Allport does not explicitly disclose communication link is a modem for connecting to and third party server and said database of accurate address data is accessible by means of a direct secure phone line.

However Storace discloses a system said communication link is a modem for connecting to and third party server and said database of accurate address data is accessible by means of a direct secure phone line, [{col.4, lines 20-24}, communication between station by way of MODEM].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify

Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a communication link and a modem for connecting to an Internet server which additionally verifies the products data and its origin, (see col.4, lines 20-24).

As Per Claim 8:

Allport discloses a system operating a franking machine, wherein said address printed accordance.
But Allport does not explicitly disclose said communication link constructed to connect a personal digital assistant connecting Internet.

However Storace discloses a system said communication link constructed to connect a personal digital assistant connecting Internet, [{col.6, lines 64}, customer assistance].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a communication link constructed to connect a personal digital assistant connecting

Internet, which additionally verifies the products data and its origin, [see col.6, lines 64].

As Per Claim 9:

Allport discloses a system operating a franking machine, wherein said address printed accordance.
But Allport does not explicitly disclose communication link is constructed connect personal computer for connecting the Internet third party server.

However Storace discloses a system said communication link is constructed connect personal computer for connecting the Internet third party server, [{col.6, lines 1-4}, communication for communication between the center and CPU].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a communication link constructed to connect to a personal computer, which additionally verifies the products data and its origin,(see col.6, lines 1-4).

As Per Claim 12:

Allport discloses a system operating a franking machine, wherein said address printed accordance.

But Allport does not explicitly disclose operating a franking machine, according claim wherein said external database accessible through an Internet server.

However Storace discloses a method of operating a franking machine, according claim wherein said external database accessible through an Internet server, [{fig.2, 25}, CPU is able to access the internet and information stored in database].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a database, which additionally verifies the products data and its origin,(see col.6, lines 1-4).

As Per Claim 13:

Allport discloses a system operating a franking machine, wherein said address printed accordance.

But Allport does not explicitly disclose operating a franking machine, according to claim wherein said external database accessible directly through a phone line.

However Storace discloses a method of operating a franking machine, according to claim wherein said external database accessible directly through a phone line, [{fig.1, 26} telephone lines].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a database, which additionally verifies the products data and its origin.

As Per Claim 15:

Allport discloses a system operating a franking machine, wherein said address printed accordance.
But Allport does not explicitly disclose operating a franking machine, according claim wherein said address data includes, destination information, routing, delivery, and tracking codes.

However Storace discloses a method of operating a franking machine, according claim wherein said address data includes, destination information, routing, delivery, and tracking codes,

[{fig.7, 604}, postage and message printer, which encompasses all important data such as information found on indicia].

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify Allport's method and system in conjunction with Storace's system and method to emulate an invention that deals with postage metering system that has a database, which additionally verifies the products data and its origin.

Response to Arguments

Applicant's arguments have been reviewed and considered by the Examiner. However the Examiner would like to note that a new reference by Allport (6,795,813) has been applied and relied upon. Currently all pending claims remain rejected. If further explanation is need, the applicant is invited to contact the Examiner at the number listed below.

Conclusion

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at **(571) 272-6905** between the hours of **9-6pm Monday through Friday**. The fax number for the establishment where the application is being process is **(571) 273-8300**.

If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/O Technology Center 3600

Washington, D.C. 20231

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER